

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Ordinance to Impose Traffic Surcharge and an Additional Court Cost

DEPARTMENT: Fiscal Services **DIVISION:** Budget

AUTHORIZED BY Lisa Spriggs **CONTACT:** Lisa Spriggs **EXT.** 7172

Agenda Date: <u>6/08/04</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>
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MOTION/RECOMMENDATION:

Adopt an ordinance imposing a \$15 surcharge on traffic infractions and violations and a \$65 additional court cost assessment on all persons who plead guilty or nolo contendere to or who are found guilty of any felony, misdemeanor, or criminal traffic offense.

BACKGROUND:

Pursuant to SB 2962, in the implementation of Revision 7 to Article V of the Florida Constitution, which is effective July 1, 2004, the County is authorized, by the newly enacted section 318.18(13)(a), Florida Statutes, to impose a mandatory surcharge of up to \$15 on civil and criminal traffic infractions and violations. The surcharge is restricted to fund court facility costs. Based on state estimates the fee is expected to generate as much as \$1 million annually. The estimated costs to maintain and support the new Criminal Justice Center exceed \$1 million annually.

In addition, the County is authorized, by the newly enacted section 939.185, Florida Statutes, to impose an additional court cost assessment of up to \$65 on those who plead guilty or nolo contendere to, or who are found guilty of a felony, misdemeanor or criminal traffic offense. The funds are restricted to a 25% distribution among four specific designations of court-related programs as follows:

- Innovative Court Programs
- Legal Aid Programs (mandated County cost)
- Law Library
- Juvenile Programs

With any unspent funding at the close of each fiscal year allocated under the last three categories being transferred for use in funding Innovative Court Programs.

Based on state estimates the fee would generate as much as \$580,000 to the County. Staff is currently reviewing collection percentages assumed by

Reviewed by:
Co Atty: _____
DFS: _____
Other: _____
DCM: <u>[Signature]</u>
CM: <u>[Signature]</u>
File No. <u>PH130FSA00</u>

State estimates in comparison to Seminole County's historical collection experience. Preliminary analysis indicates that the estimate would be approximately \$300,000 based on current collection procedures. Staff will continue to explore collections with all parties (i.e. Clerk's Office, County Attorney's Office and Judicial).

Staff is requesting Board approval to establish these fees by ordinance. The effective date included in the ordinance is July 1, 2004, which is the earliest date allowable under the legislation. However, the Board may choose to alter the effective date based on the Clerk's request for an effective date of October 1, 2004.

In accordance with statute 125.66 (2)(a) the notice of intent to consider such ordinance was given at least 10 days prior to said meeting by publication in a newspaper of general circulation in the county. Public Hearing notice was advertised on May 29, 2004.

AN ORDINANCE IMPOSING A SURCHARGE OF \$15.00 ON ALL TRAFFIC INFRACTIONS AND VIOLATIONS PURSUANT TO NEWLY ENACTED SECTION 318.18(13)(a), FLORIDA STATUTES; PROVIDING THAT SUCH SURCHARGE SHALL BE USED FOR THE FUNDING OF STATE COURT FACILITIES WITHIN SEMINOLE COUNTY IN ACCORDANCE WITH SECTION 29.008, FLORIDA STATUTES; PROVIDING FOR THE IMPOSITION OF AN ADDITIONAL COURT COST ASSESSMENT OF \$65.00 ON ALL PERSONS WHO PLEAD GUILTY OR NOLO CONTENDERE TO OR WHO ARE FOUND GUILTY OF ANY FELONY, MISDEMEANOR, OR CRIMINAL TRAFFIC OFFENSE WITHIN SEMINOLE COUNTY PURSUANT TO NEWLY ENACTED SECTION 939.185, FLORIDA STATUTES; PROVIDING FOR THE USES OF SUCH ADDITIONAL COURT COST ASSESSMENT AS REQUIRED BY SAID STATUTE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 29.008, Florida Statutes, as amended, mandates that the County fund the capital cost and operation, as well as the maintenance expenses of buildings, offices, supporting infrastructure, utilities, and security, furnishings and equipment (the "Facilities") housing and used by the Circuit and County Courts, including the offices of the State Attorney, Public Defender, the Guardian Ad Litem, and the Offices of the Clerk of the Court used in performing court related functions: and

WHEREAS, the County is also charged with responsibility for providing funding for innovative court support programs, legal aid programs, provision of the local public law library, and juvenile programs aimed at alternatives to prosecution; and

WHEREAS, the recent amendments to the Florida Statutes enacted to implement the restructuring of the State Court System have resulted in a reallocation or reduction of both State and locally generated traditional revenue sources from which such functions were historically funded, but instead authorize imposition of new, alternative sources of funding; and

WHEREAS, Section 318.18(13)(a), Florida Statutes provides for the imposition of a Fifteen and No/100 Dollar (\$15.00) surcharge on all traffic violations and infractions within the County which shall be used for the funding of State Court Facilities; and

WHEREAS, Section 939.185(1)(a), Florida Statutes authorizes imposition of a Sixty-Five and No/Dollar (\$65.00) additional court cost assessment upon all persons who plead guilty or nolo contendere or who are convicted of any misdemeanor, felony, or criminal traffic violation within Seminole County, which assessments shall be used only for four (4) specific categories of court related programs and services;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Statement of Intent and Findings of Fact. The foregoing recitals are deemed to be an integral part of this section. It is the intent of the Board to promote and enhance the continued smooth and efficient operation of the State Court System and its facilities within the County. Such public services are essential to upholding the constitutional rights of citizens, guaranteeing their access to the civil and criminal justice system, as well as the economic and general well being of the citizens of Seminole County and the general public as a whole. As a result of the public hearing and deliberations of the Board surrounding adoption of this Ordinance, the Board hereby finds and determines that imposition of the newly authorized surcharge and additional court cost assessment identified herein are essential for meeting the funding requirements of maintaining Facilities housed in the County and used by the State Court System, and for continuing the innovative court system support services specified herein.

Section 2. There is hereby imposed a surcharge of Fifteen and No/100 Dollars (\$15.00) on all traffic infractions and citations issued within Seminole County, which surcharge shall only be used for funding the Facilities, as defined by Section 29.008(1)(a), Florida Statutes, used by the State Court System within the County.

Section 3. There is hereby imposed an additional court cost assessment of Sixty-five and No/100 Dollars (\$65.00) upon all persons who plead guilty or nolo contendere, or who are convicted of any misdemeanor, felony or criminal traffic violation within Seminole County, which assessments shall be used only for the four (4) specific

categories of court related programs and services and in the amounts required by Section 939.185, Florida Statutes.

Section 4. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Code. The word "Ordinance" may be changed to section, article, or other appropriate word or phrase and the sections of this Ordinance may be assigned new numbering or lettering to accomplish such intention; providing, however, that Sections 4, 5 and 6 hereof shall not be codified.

Section 5. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective July 1, 2004, contingent upon the timely filing of a certified copy thereof with the Florida Department of State.

ENACTED this _____ day of _____, 2004.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
DARYL G. MCLAIN, Chairman